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#13 / Response
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gary L. Bennis
Serial No.: 09/766,032
Filed: 01/19/2001
For: TWO-STAGE FISHING BOBBER
Examiner: Rowan
Group: 3643 Attorney file: 5437

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents P.O Box 1450 Alexandria VA 22313-1450 on June 13, 2003 by applicant's attorney, Carl L. Johnson.

Carl L. Johnson
Carl L. Johnson
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Honorable Commissioner of Patents
Washington D. C. 20231

Sir:

REMARKS

The applicant's attorney received an office action dated May 1, 2003 which was issued in response to an RCE application. Page 2 of the office action stated the submission filed on February 3, had been entered and the finality of the previous office action had been withdrawn. However, the office action summary sheet stated the office action was final. In response to the conflict, applicant's attorney called Examiner Rowan to determine the correct status of the application. On May 7, 2003 Examiner Rowan advised applicant's attorney that the Patent Office records did not show a final rejection and advised applicant's attorney to respond as if the action were not final. Accordingly, applicant files this response on the basis that the office action of May 1, 2003 is not a final rejection.

In the office action of May 1, 2003 the office rejected independent claim 18 under 35 U.S.C. 102 and dependent claims 19-20 as being unpatentable over Kotis under 35 U.S.C. 103(a).

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In rejecting the claims, the office took the position that Kotis discloses a "spring 10" that is "resiliently displaceable" and rejected claim 18 under 35 U.S.C. 102. The rejection is in error. Applicant's claim 18 called for "a member resiliently displaceable". The Kotis coil 10 is not resiliently displaceable. More specifically, the Kotis patent 3,196,575 discloses that his coil 10 is 1 a stop, 2. that he does not have a spring and 3. that his member 10 has the opposite characteristics of a spring, namely, that it is non-resilient.

Attention is drawn to column 1 lines 39-44 where Kotis describes his coil 10 as follows:

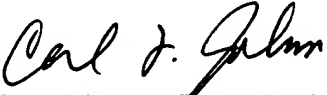
"the numeral 10 designates a bobber stop comprising a length of coiled fine wire ... , such as spring tempered Phosphor bronze having the characteristics of being manually formable to different given shapes, as opposed to having spring-like resiliency as in tension or compression springs" (emphasis added)

Thus the Kotis coil 10 is a non-resilient bobber stop, which is exactly opposite of applicant's claim 18 which specifically calls for "a member resiliently displaceable". Withdrawal of the 102 rejection is respectfully requested.

In regard to the 103 rejection of dependent claims 19-20, it is submitted that if the Kotis reference teaches 180 degrees opposite from applicants invention it is a contrary teaching. Kotis uses a wire coil to frictionally grip his line to prevent displacement of his bobber. The applicant's spring compresses and slides along the fishing line to allow for displacement of the bobber. It is submitted that the contrary teaching of Kotis does not support an obvious rejection of claims 19-20 under 35 U.S.C. 103.

A withdrawal of the rejection under 35 U.S.C. 102 and 35 U.S.C. 103 is requested and a notice of allowance is respectfully solicited.

Respectfully submitted,
JACOBSON AND JOHNSON

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